

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

LEONARDO MONTES-REYES,

Defendant.

INDICTMENT

08 Cr.

COUNT ONE

The Grand Jury charges:

1. From approximately in or about 2005 through on or about December 19, 2007, in the Southern District of New York and elsewhere, LEONARDO MONTES-REYES, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that LEONARDO MONTES-REYES, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 1 kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Codes, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. On or about December 19, 2007, LEONARDO MONTES-REYES, the defendant, possessed a bag containing heroin in a hotel in Manhattan, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

4. On or about December 19, 2007, in the Southern District of New York, LEONARDO MONTES-REYES, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, LEONARDO MONTES-REYES, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

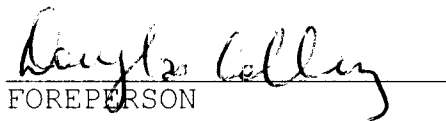
b. has been transferred or sold to, or deposited with, a third person;

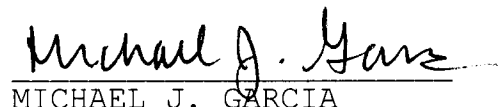
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;
or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(21 U.S.C. §§ 812, 841(a)(1),
841(b)(1)(A), and 846; 18 U.S.C. § 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Douglas Gellery

Foreperson.

1-2-08
VO

Filed Indictment. Case assigned to Judge
Cote.
Pitman
U.S.M.J.